

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STEPHANIE LUKIS and ROBERT FISCHER,)
individually and on behalf of all others similarly)
situated,)

Plaintiffs,)

v.)

No. 1:19-cv-04892

INSTANT CHECKMATE, LLC,)

Defendant.)

**INSTANT CHECKMATE’S MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF IN SUPPORT OF ITS MOTION TO RECONSIDER
OR ALTERNATIVELY FOR SUMMARY JUDGEMENT**

Defendant Instant Checkmate, LLC (“Instant Checkmate”), by counsel, moves for leave to file the accompanying Supplemental Brief in Support of its Motion to Reconsider or Alternatively for Summary Judgment. The Supplemental Brief is provided to answer more thoroughly certain questions posed by the Court during the August 11, 2020 status hearing, specifically whether Instant Checkmate’s background reports about people constitute commercial or non-commercial speech under the First Amendment. The Supplemental Brief is also provided to alert the Court to a June 19, 2020 opinion by the U.S. Court of Appeals for the Ninth Circuit, *IMDb.com Inc. v. Becerra*, 962 F.3d 1111 (9th Cir. 2020), which addresses the same questions in the context of analogous facts, *i.e.*, whether IMDb biographical profiles about people constitute commercial or non-commercial speech under the First Amendment. So the Court has the benefit of this recent authority and can more fully understand the legal grounds establishing that Instant Checkmate’s background reports are non-commercial speech for purposes of the First Amendment, Instant Checkmate respectfully requests that leave to file the accompanying Supplemental Brief be granted.

Instant Checkmate attempted to confer with counsel for Plaintiffs regarding the instant motion on September 1, 2020, but was unable to reach him.

Dated: September 1, 2020

Respectfully submitted,

INSTANT CHECKMATE, LLC

By: /s/Benjamin Kinney

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September 2020 a copy of the foregoing was filed and served electronically upon all counsel of record via the ECF filing system.

By: /s/Avanti D. Bakane